

TITLE 18
CRIMES AND PUNISHMENTS

CHAPTER 54
PERJURY AND SUBORNATION OF PERJURY

18-5401. PERJURY DEFINED. Every person who, having taken an oath that he will testify, declare, depose, or certify truly, before any competent tribunal, legislative committee, officer, or person in any of the cases in which such an oath may by law be administered, wilfully and contrary to such oath, states as true any material matter which he knows to be false, is guilty of perjury.

[18-5401, added 1972, ch. 336, sec. 1, p. 948; am. 1995, ch. 232, sec. 5, p. 789.]

18-5402. OATH DEFINED. The term "oath" as used in section [18-5401](#), Idaho Code, includes an affirmation, and every other mode authorized by law of attesting the truth of that which is stated, including a certification or declaration under penalty of perjury permitted by the law of this state, whether subscribed within or without this state.

[18-5402, added 1972, ch. 336, sec. 1, p. 948; am. 2013, ch. 259, sec. 2, p. 636.]

18-5403. OATH OF OFFICE -- PORTION RELATING TO FUTURE DUTIES NOT INCLUDED. So much of an oath of office as relates to the future performance of official duties is not such an oath as is intended by the two (2) preceding sections.

[18-5403, added 1972, ch. 336, sec. 1, p. 948.]

18-5404. IRREGULARITY IN ADMINISTERING OATH NO DEFENSE. It is no defense to a prosecution for perjury that the oath was administered or taken in an irregular manner.

[18-5404, added 1972, ch. 336, sec. 1, p. 949.]

18-5405. INCOMPETENCY OF WITNESS NO DEFENSE. It is no defense to a prosecution for perjury that the accused was not competent to give the testimony, deposition or certificate of which falsehood is alleged. It is sufficient that he did give such testimony or make such deposition or certificate.

[18-5405, added 1972, ch. 336, sec. 1, p. 949.]

18-5406. IGNORANCE OF MATERIALITY NO DEFENSE. It is no defense to a prosecution for perjury that the accused did not know the materiality of the false statement made by him; or that it did not, in fact, affect the proceeding in or for which it was made. It is sufficient that it was material, and might have been used to affect such proceeding.

[18-5406, added 1972, ch. 336, sec. 1, p. 949.]

18-5407. DEPOSITION, WHEN COMPLETE. The making of a deposition or certificate is deemed to be complete, within the provisions of this chapter,

from the time when it is delivered by the accused to any other person, with the intent that it be uttered or published as true.

[18-5407, added 1972, ch. 336, sec. 1, p. 949.]

18-5408. UNQUALIFIED STATEMENT OF UNKNOWN FACT. An unqualified statement of that which one does not know to be true is equivalent to a statement of that which one knows to be false.

[18-5408, added 1972, ch. 336, sec. 1, p. 949.]

18-5409. PUNISHMENT FOR PERJURY. Perjury is punishable by imprisonment in the state prison not less than one (1) or more than fourteen (14) years.

[18-5409, added 1972, ch. 336, sec. 1, p. 949.]

18-5410. SUBORNATION OF PERJURY. Every person who wilfully procures another person to commit perjury is guilty of subornation of perjury, and is punishable in the same manner as he would be if personally guilty of the perjury so procured.

[18-5410, added 1972, ch. 336, sec. 1, p. 949.]

18-5411. PERJURY RESULTING IN EXECUTION OF INNOCENT PERSON. Every person who, by wilful perjury or subornation of perjury procures the conviction and execution of any innocent person, is punishable by death.

[18-5411, added 1972, ch. 336, sec. 1, p. 949.]

18-5412. DEFENDANT'S TESTIMONY MAY BE USED TO PROVE PERJURY. The various sections of this code which declare that evidence obtained upon the examination of a person as a witness cannot be received against him in any criminal proceeding, do not forbid such evidence being proved against such person upon any proceedings founded upon a charge of perjury committed in such examination.

[18-5412, added 1994, ch. 167, sec. 2, p. 375.]

18-5413. PROVIDING FALSE INFORMATION TO LAW ENFORCEMENT OFFICERS, GOVERNMENT AGENCIES, OR SPECIFIED PROFESSIONALS. (1) A person is guilty of a misdemeanor if he knowingly gives or causes to be given false information to any law enforcement officer, any state or local government agency or personnel, or to any person licensed in this state to practice social work, psychology or counseling, concerning the commission of an offense, knowing that the offense did not occur or knowing that he has no information relating to the offense or danger.

(2) A person is guilty of a misdemeanor if he knowingly gives or causes to be given false information regarding his or another's identity to any law enforcement officer investigating the commission of an offense.

[18-5413, added 1995, ch. 275, sec. 2, p. 924; am. 1998, ch. 425, sec. 1, p. 1342.]

18-5414. INTENTIONALLY MAKING FALSE STATEMENTS. A person is guilty of a misdemeanor if he willfully and intentionally gives or causes to be given

false information to any court, court personnel, court clerk or any state or local government agency or personnel in the application or request for a domestic violence protective order pursuant to [chapter 63, title 39](#), Idaho Code.

[18-5414, added 1996, ch. 173, sec. 1, p. 557.]